

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**KENT GARVEY, on behalf of himself
and all others similarly situated,
Plaintiff**

v.

**JAMES ARKOOSH, SAMUEL
BELZBERG, PETER KLEIN and
DIOMED HOLDINGS, INC.,
Defendants.**

**CIVIL ACTION
NO.: 04-10438RGS**

NOTICE OF WITHDRAWAL OF APPEARANCE

Pursuant to Local Rule 83.5.2(c), Tara M. Swartz hereby gives notice of her withdrawal as liaison counsel for the plaintiff, Kent Garvey, in the above-captioned matter. The Law Office of Scott P. Lopez, by and through Scott P. Lopez, who is also liaison counsel for the plaintiff in this matter, shall continue to represent the plaintiff. In addition, the Rosen Law Firm, by and through Lawrence Rosen, who is lead counsel for the plaintiff, shall continue to represent the plaintiff. Further, although a motion to dismiss is currently pending, plaintiff's opposition to said motion has been filed. Moreover, Attorneys Lopez and Rosen are able to represent plaintiff's interests on said motion. Finally, no trial date has been set.

Respectfully submitted,
For the plaintiff,
KENT GARVEY
By his attorney,

/s/ Tara M. Swartz

Tara M. Swartz, BBO# 652600
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party not receiving notice of electronic filing and upon Kent Garvey by mail on December 2, 2004.

/s/ Tara M. Swartz

Tara M. Swartz